

# **EXHIBIT 5**

**DEFENDANTS' EXHIBIT B**  
**FOR FEBRUARY 26, 2025**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AIDS VACCINE ADVOCACY COALITION,  
*et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT  
OF STATE, *et al.*,

*Defendants.*

Civil Action No. 25-00400 (AHA)

GLOBAL HEALTH COUNCIL, *et al.*,

*Plaintiffs,*

v.

DONALD J. TRUMP, *et al.*,

*Defendants.*

Civil Action No. 25-00402 (AHA)

SUPPLEMENTAL DECLARATION OF PETE MAROCCO

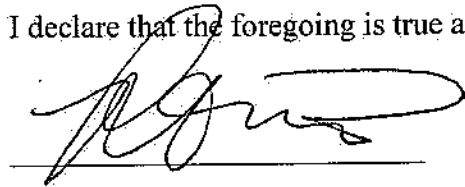
I, Pete Marocco, pursuant to 28 U.S.C. § 1746, hereby declare and say as follows:

1. Since last night when I executed a declaration, the process for individually reviewing each outstanding USAID obligation has concluded. Secretary Rubio has now made a final decision with respect to each award, affirmatively electing to either retain the award or terminate as inconsistent with the national interests and foreign policy of the United States. USAID is processing termination letters with the goal to reach substantial completion within the next 24-48 hours. Notification letters will be distributed for retained awards by the end of this week. As a result, no USAID obligations will remain in a suspended state. In total, nearly 5800 awards were terminated, and more than 500 awards were retained. Defendants are committed to fully moving forward with the remaining awards and programs that USAID and Secretary Rubio has determined to retain.

2. Since last night when I executed a declaration, the process for individually reviewing each outstanding State Department grant and federal assistance award obligation has concluded. Secretary Rubio has now made a final decision with respect to each such award, affirmatively electing to either retain the award or terminate as inconsistent with the national interests and foreign policy of the United States. State is processing termination letters with the goal to reach substantial completion within the next 24-48 hours. Notification letters will be distributed for retained awards within 2 weeks to take account of overseas lag. In total, approximately 4,100 awards were terminated, and approximately 2,700 awards were retained. Of approximately 711 contracts originally paused, approximately 297 still need to be reviewed; the remainder have either been terminated or resumed. Defendants are committed to fully moving forward with the remaining awards and programs that Secretary Rubio has determined to retain.
3. Secretary Rubio authorized a bypass of normal payment processing procedures within the USAID to pay the ten Plaintiffs' outstanding invoices from work performed before January 24, 2025. It is estimated that it will take two weeks for those payments to fully issue, but I have been advised that certain funds, exceeding \$11 million, have been released for transfer to certain of the Plaintiffs this morning.
4. The State Department will, today, pay a total of \$4 million to two of the Plaintiffs HIAS and the American Bar Association for work performed prior to January 24. The payments will take approximately two days to process.
5. As to USAID, and for the plaintiffs specifically, my understanding is that many of the payments they have requested lack complete invoices with all relevant information about the invoiced work, vouchers, or other supporting information. This has made it difficult to understand and verify the requested amounts.
6. As to USAID and for the plaintiffs specifically, my understanding is that many payments are intermixed with other charges from the same vendor and are accordingly difficult for to understand and pay separately.
7. As to USAID and for the plaintiffs specifically, my understanding is that some plaintiffs submitted association requests without the names of the specific members/vendors associated with the awards or payments, which again makes it difficult to understand and verify the requested amounts.
8. As to USAID and for the plaintiffs specifically, my understanding is that plaintiffs are requesting, approximately and based on the information available to me right now, more than \$250 million across 200 separate payments to more than 10 individual entities. Creating new payments and verifying this information would not be possible today.

9. The State Department has expended approximately \$21 million in foreign assistance funding since February 13, 2025.

I declare that the foregoing is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Pete Marocco", is written over a horizontal line.

Pete Marocco

Date: February 26, 2025